

**RECEIVED**

**Apr 21 2021**

**SC Court of Appeals**

**THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS**

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**Certiorari to Lexington County  
The Honorable J. Cordell Maddox, Circuit Court Judge**

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**GENE TONY COOPER,**

**Respondent,**

**v.**

**STATE OF SOUTH CAROLINA,**

**Petitioner.**

**Appellate Case No. 2018-001149**

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**MOTION FOR FIRST EXTENSION OF TIME TO FILE  
BRIEF OF RESPONDENT**

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Respondent would respectfully move this Court for a first extension of time within which file the Brief of Respondent. The brief is due to be served and filed, today, Wednesday, April 21, 2021. The undersigned attorney moves for the time to file the return be extended by thirty (30) additional days up to and including May 21, 2021. This motion is made because the Respondent has not been able to respond within the allotted time for the following reasons:

1. Counsel has been reviewing matters due to his involvement as Chairman on the Office of the Attorney General's Appellate Decision Review Committee. The Committee was formed to review all adverse decisions in Capital, Federal Habeas, Direct Appeals, and Post-Conviction Relief matters, and to determine whether the State will appeal these rulings. In the last thirty days, counsel has reviewed the following matters: On March 30, 2021, *The State v. Chavis Aikman*, a Berkeley County Post Conviction Relief matter; on April 7, 2021 *The State v.*

*Jason Ervin Black* a Pickens County Post Conviction Relief matter; on April 12, 2021 *The State v. Lorgio Danilo Morales*, a Greenville County Post Conviction Relief matter.

2. Counsel completed and filed the Return to Motion to File Supplemental Appendix in the matter of *Richard Bernard Moore v. Bryan P. Sterling, Commissioner South Carolina Department of Corrections, Appellate Case No. 2020-001519*, an Original Jurisdiction case pending in the Supreme Court of South Carolina, on March 25, 2021; and

3. Counsel filed the Status Report in the matter of *Henry J. Dukes v. Lee Correctional Institution Case No. 4:19-cv-01211-TMC-TER*, on April 6, 2021, a case pending in the District Court; and

4. Counsel filed the Status Report in the matter of *Anthony Woods, #6023 v. Bryan P. Stirling, Commissioner, South Carolina Department of Corrections and Willie D. Davis, Warden Kirkland Reception and Evaluation Center, Case No. 5:18-cv-00144-DCN-KDW* on April 12, 2021, a case pending in the District Court; and

5. Counsel completed and filed the Brief of Respondent in the matter of *Richard Bernard Moore v. Bryan P. Sterling, Commissioner South Carolina Department of Corrections, Appellate Case No. 2020-001519*, an Original Jurisdiction case pending in the Supreme Court of South Carolina, on April 19, 2021; and

6. Counsel travelled to Gaffney, South Carolina on March 25, 2021 to provide a Status Report in the death penalty case of *James D. Robertson v. The State, Docket Case # 2011-CP-46-00072*; Additionally, in this case, Counsel travelled to Rock Hill, South Carolina on April 7, 2021 to participate in a deposition.

Due to counsel's involvement in these and other matters in state and federal court, counsel is unable to complete the Initial Brief of Respondent and Designation of Matter in this action by the due date prescribed. This request is made in good faith, and not for the purposes of delay. Thus, counsel respectfully requests a thirty (30) day extension of time to allow counsel to complete the Brief of Respondent. This is counsel's first request for additional time to do so.

WHEREFORE, undersigned counsel for Respondent respectfully requests an additional extension of thirty (30) days to complete the Brief of Respondent in this matter.

Respectfully submitted,

ALAN WILSON  
Attorney General

DONALD J. ZELENKA  
Deputy Attorney General

MELODY J. BROWN  
Senior Assistant Deputy Attorney General

WILLIAM EDGAR SALTER, III  
Senior Assistant Attorney General  
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April 21, 2021.

By: s/ William Edgar Salter, III  
ATTORNEYS FOR RESPONDENT

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Petitioner.

Appellate Case No. 2019-001149

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CERTIFICATE OF SERVICE

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I, Brandy Rankin, as an employee of the Respondent, hereby certify that as per the March 20, 2020 Order of the Chief Justice, the First Motion for Extension to file the Brief of Respondent, has been forwarded to Petitioner's counsel, Lara M. Caudy, Esq. via email today, April 21, 2021 to [lcaudy@sccid.sc.gov](mailto:lcaudy@sccid.sc.gov), and to her assistant, Lindsey Matthews at [lmattews@sccid.sc.gov](mailto:lmattews@sccid.sc.gov).

I further certify that all parties required by Rule to be served have been served.

This 21st<sup>h</sup> day of April, 2021.



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Brandy Rankin,  
Legal Assistant to William Edgar Salter, III  
Senior Assistant Attorney General

## **Brandy Rankin**

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**To:** lcaudy@sccid.sc.gov  
**Cc:** lmatthews@sccid.sc.gov; Ed Salter; Melody Brown  
**Subject:** Gene Tony Cooper - First Motion for Extension to file Brief of Respondent, Appellate Case No. 2018-001149  
**Attachments:** First Motion for Extension to file Brief of Respondent, 4-21-21, Gene Tony Cooper (02545987xD2C78).pdf

Dear Ms. Caudy,

Attached please find the Respondent's first Motion for Extension in which to file the Brief of Respondent along with the Certificate of Service. The extension will be filed today, April 21, 2021 with the South Carolina Court of Appeals.

We hope this finds you all well.

Sincerely,

*Brandy Rankin*

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